

REMARKS

Claim 1 has been cancelled and Claims 2 to 11 have been amended. The changes to the claims are substantially cosmetic and do not detract from the scope of the invention.

Claims 1 to 11 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner's attention is directed to the amendments above, wherein the amendments to the claims are believed to overcome the bases of this rejection.

Claims 1, 7, and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chapman, U.S. Patent No. 1,083,386, in view of Lottick, U.S. Patent No. 5,026,370. The Examiner maintains that the basic device is disclosed by Chapman except for the resilient mounting of the grasping arms to the handle that Lottick discloses various forms of similar surgical devices having resiliently mounted arms connected to the handle section, and that it would have been obvious to the skilled artisan to form the device of Chapman with any of the handle structures as disclosed by Lottick to permit more effective application of the grasping arms.

Applicants respectfully traverse the above rejection.

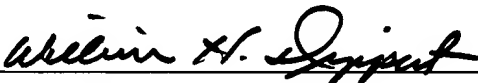
Chapman discloses a two-member scissors configuration. However, in significant contrast, Applicants' structure comprises two members resiliently mounted on a handle, i.e., a third member. The Examiner's attention is again directed to the amendments above, particularly to amended Claim 2, wherein the differences between Chapman's device and Applicants' device should be apparent. The Lottick patent does not overcome the Chapman patent's deficiencies as an applicable reference.

The Examiner has provisionally rejected Claims 1 to 11 under the doctrine of obviousness-type double patenting. While Applicants do not necessarily agree that it is and/or appropriate to submit a Terminal Disclaimer, Applicants would be willing to consider submission of a Terminal Disclaimer.

Reconsideration and allowance of the claims herein are respectfully requested.

Respectfully submitted,

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